



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Dec-11

Paper No. 8

JOSEPH N. BREAU
10630 N. OAK HILLS PARKWAY
SUITE A
BATON ROUGE LA 70810

MAILED

DEC 13 2011

OFFICE OF PETITIONS

In re Patent No. 6,318,573 :
Issued: 11/20/2001 : LETTER IN RESPONSE
Application No. 09/501,406 : TO PETITION
Filed: 02/10/2010 :
For: BOTTLE WITH INTEGRALLY :
FORMED OPENER :

This is a letter in response to the "MAINTENANCE FEE TRANSMITTAL FORM" filed on November 25, 2011 (certificate of mailing date November 17, 2011).

The patent issued on November 20, 2001. The grace period for paying the 7.5-year maintenance fee expired on November 20, 2009.

Pursuant to 37 CFR 1.378(a), the Director may accept the payment of any maintenance fee due on a patent after expiration of the patent if, **upon petition**, the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional and if the surcharge required by § 1.20(i) is paid as a condition of accepting payment of the maintenance fee.

Any petition to accept an unintentionally delayed payment of a maintenance fee filed under 37 CFR 1.378(c) must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and **must include**:

- (1) the required maintenance fee set forth in § 1.20(e)-(g);
- (2) the surcharge set forth in § 1.20(i)(2); and
- (3) **a statement that the delay in payment of the maintenance fee was unintentional.**

It appears that patentee wishes to reinstate the patent under the provisions of 37 CFR 1.378(c). However, patentee did not file an appropriate petition under 37 CFR 1.378(c) or include a statement that the delay in payment of the maintenance fee was unintentional.

It is recommended that patentee utilize the attached form for filing a petition under 37 CFR 1.378(c). No additional fee is due.

A reply, including the attached petition form, should be filed within **ONE (1) MONTH or THIRTY (30) DAYS**, whichever is longer, of the mailing of this communication in order to be considered timely.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The correspondence address in Office records appears to be different than petitioner's address. If this address is incorrect, a change of correspondence address should be filed. A courtesy copy of this decision is being mailed to the petitioner's address. All future correspondence, however, will be mailed solely to the address of record.

Patent No. 6,318,573

3

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: ROBERTO MONTERO
1703 DODGE AV
SARASOTA FL 34234-8727

Encl: PTO/SB/66
PTO/SB/123